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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/623,381	07/18/2003	Lex P. Jansen	03-118 (US01)	3194

41696 7590 06/11/2007  
VISTA IP LAW GROUP LLP  
12930 Saratoga Avenue  
Suite D-2  
Saratoga, CA 95070

EXAMINER
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WILLSE, DAVID H

ART UNIT	PAPER NUMBER
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3738

MAIL DATE	DELIVERY MODE
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06/11/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Interview Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/623,381	JANSEN ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Dave Willse	3738	

All participants (applicant, applicant's representative, PTO personnel):

(1) Michael Bolan. (3) \_\_\_\_\_.

(2) Exmr. Willse. (4) \_\_\_\_\_.

Date of Interview: 01 June 2007.

Type: a) ☒ Telephonic b) ☐ Video Conference  
c) ☐ Personal [copy given to: 1) ☐ applicant 2) ☐ applicant's representative]

Exhibit shown or demonstration conducted: d) ☐ Yes e) ☒ No.  
If Yes, brief description: \_\_\_\_\_.

Claim(s) discussed: 7 (as amended after final).

Identification of prior art discussed: Thomas et al., US 2003/0074075 A1.


Agreement with respect to the claims f) ☐ was reached. g) ☐ was not reached. h) ☒ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: See Continuation Sheet.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN A NON-EXTENDABLE PERIOD OF THE LONGER OF ONE MONTH OR THIRTY DAYS FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.

  
Examiner's signature, if required

Continuation of Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: Since the Notice of Panel Decision from Pre-Appeal Brief Review of May 18, 2007, does not provide any details as to what was discussed during the Pre-Appeal Brief conference, the Applicant requested that the examiner explain his position as to proposed claim 7 relative to Thomas et al. The examiner indicated that the grounds for rejection is based on the first couple of sentences set forth in the rejection under 35 U.S.C. 103(a) in the final Office action of January 12, 2007. The examiner also asserted that since the present invention does not provide a definition of "spraying device" in a manner prescribed in MPEP 2111.01, such a term must be given its broadest reasonable interpretation (MPEP 2111). The examiner then recited a definition of "spray" from Webster's II New Riverside University Dictionary (1984): "[a] fine jet of liquid discharged from a pressurized container". Such a definition, in the examiner's view, does not necessitate a "mist" of uncured bone cement.